

FILED

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CLERK, U.S. DISTRICT COURT
NORFOLK, VA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

IN THE MATTER OF THE ISSUANCE OF A
CRIMINAL COMPLAINT AND ARREST WARRANT
RE:

ANTHONY KANDALEPAS

UNDER SEAL

Case No. 2:21mj 250

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

I, Special Agent Derrick Debraux, being first duly sworn state:

Introduction and Agent Background

1. I am employed by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been employed as a Special Agent since September 2017. I have been instructed on how to conduct criminal investigations for various violations of federal and state laws including, but not limited to, alien smuggling, narcotics smuggling, child pornography, online child exploitation, weapons trafficking, and organized criminal, activity at the Federal Law Enforcement Training Center. As part of my daily duties as a HSI agent, I investigate criminal violations relating to child exploitation and child pornography, including 18 U.S.C. § 2251(a) (production of child pornography), 18 U.S.C. § 2252 (transportation, receipt and possession of child pornography) and 18 U.S.C. § 2423 (a) and (b) (transporting a minor to engage in illicit sexual conduct and travel with intent to engage in illicit sexual conduct). I have led and assisted in many federal arrests and executions of search warrants including but not limited to cases involving child pornography and exploitation. Prior to becoming an HSI Special Agent, I served as a Chesapeake Police Officer for approximately five years. As a local officer, I investigated

multiple cases for violations relating to domestic abuse against children. I obtained my Bachelor of Science from Chowan University and Master of Arts from Norfolk State University. Both degrees were in Criminal Justice.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. I submit this affidavit in support of an application for a criminal complaint and arrest warrant charging Anthony KANDALEPAS with violations of 18 U.S.C. § 2251(a) (production of child pornography), 18 U.S.C. § 2252(a)(4) (possession of child pornography), and 18 U.S.C. § 2423 (a) (transporting with intent to engage in criminal sexual activity).

4. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint and warrant and does not set forth all my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Statement of Probable Cause

5. On March 13, 2021, the Otsego County Sheriff's Office (OCSO), responded to a suspicious vehicle stuck in a driveway, in the Town of Milford, NY. The vehicle was occupied by Anthony KANDALEPAS, a 17-year old male, and a 14-year old female herein referred to as V1. OCSO determined that the vehicle was stolen out of Jacksonville, FL. During the encounter OCSO located a Smith and Wesson M&P Shield 9mm pistol. The subsequent OCSO investigation revealed that V1 was the subject of a bench warrant issued out of Duval County,

FL, for being in violation of her Marchman Order¹ for drug and alcohol abuse, and the 17-year old male was the subject of active warrants issued out of Duval County for vehicle theft.

6. KANDALEPAS was charged by OCSO for violations of various New York state law, including possession of a weapon and endangering the welfare of a child. He was ordered held in lieu of \$10,000 cash bail.

7. The 17-year old male was charged with various violations of New York state law and released to his mother. He was arrested by the Jacksonville Sheriff's Office upon his return to Florida.

8. V1 was turned over to the custody of the Otsego County Department of Social Services.

9. On March 18, 2021, a HSI Albany special agent was contacted by a OCSO deputy who provided the details from the traffic stop and arrests, including that OCSO had seized three cellular phones: an Apple iPhone XR cell phone, IMEI: 356431102554224; a LG K51 cell phone, IMEI: 355041616117623, number (757) 998-5011; and, a LG K40 cell phone, IMEI: 358940101203904, number (757) 975-2660, during OSCO's investigation. The HSI special agent asked the deputy to bring V1 to the Otsego County Child Advocacy Center ("CAC") so that she could be interviewed. The HSI special agent also asked the deputy to bring the devices with him and they met at the CAC.

10. All three phones were manufactured outside of Virginia.

11. V1 was forensically interviewed and stated that she had run away from Jacksonville, FL, in November of 2020, and that KANDALEPAS picked her up. V1 and

¹ The Marchman Act is a law in the state of Florida that enables family members to obtain help for a loved one who is unwilling to seek substance abuse services voluntarily.

KANDALEPAS then traveled to Chesapeake, VA and stayed with his grandparents. V1 stated she and KANDALEPAS were in a relationship and that they had sex in Chesapeake. V1 said that she became pregnant with KANDALEPAS' child and had a miscarriage. V1 said that KANDALEPAS called her his "wife." V1 stated that she, KANDALEPAS, and the 17-year old male traveled from Virginia to New York the day that they were caught.

12. V1 stated that she sent nude images and videos to people on the internet for money using SnapChat. V1 stated that she used the Cash App on KANDALEPAS' phone to receive the money. The HSI special agent showed V1 the Apple iPhone XR cell phone, IMEI: 356431102554224 and she gave consent to search the phone, which she identified as hers.

13. In the photos application, the HSI special agent videos of V1 engaged in sexual acts with an adult male who she identified as KANDALEPAS. Based upon his review of the video, it appears to have been taken by the male she identified as KANDALEPAS. V1 stated that KANDALEPAS filmed the videos of the two of them. V1 said that she sent a video of her and KANDALEPAS to a person on the internet for \$300.00.

14. V1 was also shown the LG K51 cell phone, IMEI: 355041616117623, number (757) 998-5011, and she stated that the phone was also hers but was used by the 17-year old male and his material was on it. V1 was able to unlock the phone.

15. V1 was also shown the LG K40 cell phone, IMEI: 358940101203904, number (757) 975-2660. She stated that the phone belonged to KANDALEPAS and that he changed the passcode.

16. On March 18, 2021, the HSI special agent and the OCSO deputy interviewed KANDALEPAS at the Otsego County Jail, after he waived his *Miranda* rights. KANDALEPAS stated the following in sum and substance.

17. KANDALEPAS came from Virginia, and V1 came from Florida. V1 had an “OnlyFans” account to sell nude pictures for money, and he asked her to give him \$50.00 a week from those sales. OnlyFans is a content subscription service based in London, England. Content creators can earn money from users who subscribe to their content—the “fans.” It allows content creators to receive funding directly from their customers on a monthly basis as well as one-time tips and the pay-per-view feature.

18. KANDALEPAS then said that V1 began “finessing” guys for money, referring to selling pictures of herself to them, and then blocking them. He explained that the customers sent money for the pictures of V1 to his Cash App account, or to V1’s PayPal or Venmo accounts.

19. KANDALEPAS saw V1 send nude photos in the beginning, but when he saw that she started making money, he told V1 create more accounts to “grind” all day, which based on my training and experience, is a reference to making money. KANDALEPAS stated that to get an OnlyFans account takes a three or four day process because you need a picture of your ID.

20. The HSI special agent asked KANDALEPAS how old V1 was, and he replied, “I don’t even know, probably around 16, 17.” The HSI special agent asked KANDALEPAS if he recorded what he and V1 did, and he replied, “I don’t want to talk about that.” The HSI special agent showed KANDALEPAS a video of V1 and a male engaged in sexual acts, from V1’s iPhone XR cell phone and asked him if he took the video and/or was he the male in the video. KANDALEPAS stated, “I do not believe so.” The HSI special agent showed KANDALEPAS an image from V1’s iPhone XR cell phone depicting an adult male with a necklace around an erect penis. KANDALEPAS responded “Oh that’s my cupid, I mean that’s my fuckin uh my fugaro,” in reference to the necklace.

21. The HSI special agent showed KANDALEPAS other images from V1's iPhone XR cell phone of him and V1, and he responded, "Oh that's my bong in the background, that broke on the way up here, that's sad." The HSI special agent asked KANDALEPAS if he took the video of V1 performing oral sex, and he responded, "No, I did not record that. No actually, um no I don't think I recorded that, no." KANDALEPAS stated that he could tell the HSI special agent who the guys were that V1 sent the nude photos to, on SnapChat, Instagram, and Facebook Messenger.

22. The HSI special agent showed KANDALEPAS the LG K40 cell phone, IMEI: 358940101203904, and he agreed to provide the code in exchange for phone numbers of his contacts and gave written consent to search the phone. KANDALEPAS was allowed to write down several contacts from the phone. KANDALEPAS said that the receipt for the necklace he was wearing in the video described in Paragraph 20 is in the Shops application on V1's cellphone and he gave the code to the phone. KANDALEPAS stated that the other black phone was his LG K51 cell phone, IMEI: 355041616117623. KANDALEPAS stated that all three of the phones were his and he was letting V1 use one and the 17-year old male use one.

23. The LG K40 cell phone, IMEI: 358940101203904, contains six videos of suspected child pornography, one of the videos with a creation date of November 29, 2020 depicts KANDALEPAS performing oral sex on V1's exposed vagina. V1's phone contains ten videos of suspected child pornography, one of the videos with a creation date of March 3, 2021 depicts a 59 second color video of V1 engaged in vaginal sex with what appears to be an adult male wearing a red sweatshirt. V1's vaginal area is visible. V1's back is to the camera at the beginning and then she turns over exposing her breasts. The male then ejaculates on V1.

24. The HSI special agent confirmed that the LG K40 cell phone, IMEI: 358940101203904 is serviced by T-Mobile. T-Mobile US, Inc. is a company that provides cellular telephone access to the public. Providers, such as T-Mobile, have technical capabilities that allow them to collect and generate information about the locations of the cellular telephones to which they provide service, including cell-site data, also known as “tower/face information” or “cell tower/sector records.” Cell-site data identifies the “cell towers” (*i.e.*, antenna towers covering specific geographic areas) that received a radio signal from the cellular telephone and, in some cases, the “sector” (*i.e.*, faces of the towers) to which the telephone connected. These towers are often a half-mile or more apart, even in urban areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to a wireless device does not necessarily serve every call made to or from that device. Accordingly, cell-site data provides an approximate location of the cellular telephone but is typically less precise than other types of location information, such as E-911 Phase II data or Global Positioning Device (“GPS”) data, which T-Mobile US, Inc. also typically collects and retains.

25. On June 10, 2021 the HSI special agent issued federal search warrants to T-Mobile for GPS location and/or mobile location information. On June 23, 2021 T-Mobile provided the requested information.

26. On November 22, 2020, the LG K40 cell phone traveled south from Lancaster, PA to Jacksonville, FL arriving in the morning of November 23, 2020. The LG K40 remained in Jacksonville, FL for a short period of time and traveled to the Norfolk, VA area arriving later in the night on November 23, 2020. The LG K40 remained in the Norfolk, VA area through the creation dates of the child pornography videos located on the phone, November 29, 2020 to December 6, 2020. The LG K40 remained in the Norfolk, VA area until March 12, 2021. The

child pornography videos located on the iPhone XR all appear to have been created in the Norfolk, VA area.

Conclusion

27. Based on the factual information, I believe there is probable cause that Anthony KANDALEPAS committed the following offenses:

Count One: Between on or about November 29, 2020, and on or about December 6, 2020, within the Eastern District of Virginia, and elsewhere, Anthony KANDALEPAS employed, used, persuaded, induced, enticed, or coerced a minor, namely V1, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and KANDALEPAS knew or had reason to know that such visual depiction would be transported or transmitted using a means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, that the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction was actually been transported or transmitted using a means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a);

Count Two: Between on or about November 29, 2020, and on or about December 6, 2020, within the Eastern District of Virginia, and elsewhere, Anthony KANDALEPAS did knowingly possess a matter, namely a LG K40 cell phone, which contained a visual depiction that had been shipped or transported using a means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any

means including by computer, and the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and such visual depiction is of such conduct, in violation of 18 U.S.C. § 2252(a)(4); and

Count Three: Between on or about November 23, 2020, and on or about March 13, 2021, within the Eastern District of Virginia, and elsewhere, defendant Anthony KANDALEPAS did knowingly transport an individual who has not attained the age of 18 years in interstate commerce with intent that the individual engage in sexual activity for which a person can be charged with a criminal offense, namely Va Code § 18.2-370(A), in violation of 18 U.S.C. § 2423(a).

28. Accordingly, I request that a complaint and arrest warrant be issued charging Anthony KANDALEPAS with such offenses.

FURTHER AFFIANT SAYETH NOT.



Derrick Debraux
HSI Special Agent
Norfolk, VA

Subscribed and sworn to in accordance with Fed. R. Crim. P. 4.1 by telephone on this 14th day of September, 2021, in the City of Norfolk, Virginia.



United States Magistrate Judge
Douglas E. Miller
United States Magistrate Judge